

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

iROBOT CORPORATION,))
Plaintiff,))
v.)) Civil Action No. 1:19-cv-12125
SHARKNINJA OPERATING, LLC,)) JURY TRIAL DEMANDED
SHARKNINJA MANAGEMENT, LLC, and))
SHARKNINJA SALES COMPANY,))
Defendants.))

**JOINT MOTION TO DISMISS COUNTS II AND III OF SECOND AMENDED
COMPLAINT AND STAY PROCEEDINGS**

Plaintiff iRobot Corporation and Defendants SharkNinja Operating, LLC, SharkNinja Management, LLC, and SharkNinja Sales Company (collectively, “SharkNinja”) jointly submit this motion to: (1) dismiss with prejudice Counts II and III, which allege Defendants’ infringement of U.S. Patent Nos. 9,492,048 (the “’048 patent”) and 8,950,038 (the “’038 patent”), and (2) request a stay of all deadlines and proceedings in this case pending *inter partes* review (IPR) of the three patents that would remain at issue (U.S. Patent Nos. 8,418,303; 9,550,294; and 10,045,676). The Parties submit this joint motion as part of a January 20, 2021 agreement to resolve disputes related to the ’048 patent and the ’038 patent. The Parties note that the Court’s January 14, 2021 orders were helpful in narrowing issues remaining in dispute.

Regarding dismissal of Counts II and III of iRobot’s Second Amended Complaint (D.I. 84), which allege Defendants’ infringement of the ’048 patent and ’038 patent, the Parties stipulate to dismissal with prejudice those Counts pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), contingent on

the Court entering a stay of all deadlines and proceedings in this case pending *inter partes* review (IPR) of the three patents that would remain at issue (U.S. Patent Nos. 8,418,303; 9,550,294; and 10,045,676).

Regarding the requested stay, the Parties represent that the proposed stay promotes the interests of justice as well as the fair and efficient disposition of this case. A stay will allow the Parties to pursue the IPRs under the terms of their January 20, 2021 agreement, which may ultimately allow the Parties to resolve the remaining disputes without further judicial intervention. The Parties' January 20, 2021 agreement also allows a party to make an unopposed motion to lift the stay under certain conditions.

The present case is related to and consolidated with Case No. 1:19-cv-12236, which is an action for declaratory judgment brought by SharkNinja on the same patents, and the Parties are contemporaneously submitting a joint motion to dismiss corresponding claims at issue in that case and request that it be stayed as well.

Dated: January 21, 2021

/s/ Anders P. Fjellstedt

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CERTIFICATE OF SERVICE

This document was filed through the CM/ECF system and will be served on Shark pursuant to Fed. R. Civ. P. and L.R. 5.2.

/s/ Anders P. Fjellstedt

Anders P. Fjellstedt